

Senate Study Bill 3088 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC DEFENSE BILL)

A BILL FOR

1 An Act establishing the department of homeland security and
2 emergency management.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 7E.5, subsection 1, paragraph p, Code
2 Supplement 2011, is amended to read as follows:

3 *p.* The department of public defense, created in section
4 29.1, which has primary responsibility for state military
5 forces ~~and emergency management~~.

6 Sec. 2. Section 7E.5, subsection 1, Code Supplement 2011, is
7 amended by adding the following new paragraph:

8 NEW PARAGRAPH. *w.* The department of homeland security
9 and emergency management, created in section 29C.5, which has
10 primary responsibility for the administration of emergency
11 planning matters, including emergency resource planning in
12 this state, homeland security activities, and coordination of
13 available services and resources in the event of a disaster to
14 include those services and resources of the federal government
15 and private entities.

16 Sec. 3. Section 8A.202, subsection 5, paragraph e, Code
17 2011, is amended to read as follows:

18 *e.* (1) ~~The department of public defense, including both~~
19 ~~the military division and the homeland security and emergency~~
20 ~~management division,~~ shall not be required to obtain any
21 information technology services pursuant to this subchapter
22 for the department of public defense ~~or its divisions~~ that is
23 provided by the department pursuant to this chapter without the
24 consent of the adjutant general.

25 (2) The department of homeland security and emergency
26 management shall not be required to obtain any information
27 technology services pursuant to this subchapter for the
28 department of homeland security and emergency management that
29 is provided by the department pursuant to this chapter without
30 the consent of the director of the department of homeland
31 security and emergency management.

32 Sec. 4. Section 8D.2, subsection 5, paragraph b, Code
33 Supplement 2011, is amended to read as follows:

34 *b.* For the purposes of this chapter, "*public agency*" also
35 includes any homeland security or defense facility or disaster

1 response agency established by the ~~administrator~~ director of
2 the department of homeland security and emergency management
3 ~~division of the department of public defense~~ or the governor
4 or any facility connected with a security or defense system or
5 disaster response as required by the ~~administrator~~ director of
6 the department of homeland security and emergency management
7 ~~division of the department of public defense~~ or the governor.

8 Sec. 5. Section 8D.9, subsection 3, Code Supplement 2011,
9 is amended to read as follows:

10 3. A facility that is considered a public agency pursuant
11 to section 8D.2, subsection 5, paragraph "b", shall be
12 authorized to access the Iowa communications network strictly
13 for homeland security communication purposes and disaster
14 communication purposes. Any utilization of the network that
15 is not related to communications concerning homeland security
16 or a disaster, as defined in section 29C.2, is expressly
17 prohibited. Access under this subsection shall be available
18 only if a state of disaster emergency is proclaimed by the
19 governor pursuant to section 29C.6 or a homeland security
20 or disaster event occurs requiring connection of disparate
21 communications systems between public agencies to provide
22 for a multiagency or multijurisdictional response. Access
23 shall continue only for the period of time the homeland
24 security or disaster event exists. For purposes of this
25 subsection, disaster communication purposes includes training
26 and exercising for a disaster if public notice of the training
27 and exercising session is posted on the ~~website~~ internet site
28 of the department of homeland security and emergency management
29 ~~division of the department of public defense~~. A scheduled and
30 noticed training and exercising session shall not exceed five
31 days. Interpretation and application of the provisions of this
32 subsection shall be strictly construed.

33 Sec. 6. Section 16.191, subsection 2, paragraph e, Code
34 Supplement 2011, is amended to read as follows:

35 e. The ~~administrator~~ director of the department of homeland

1 security and emergency management ~~division of the department of~~
2 ~~public defense~~ or the ~~administrator's~~ director's designee.

3 Sec. 7. Section 22.7, subsection 45, Code Supplement 2011,
4 is amended to read as follows:

5 45. The critical asset protection plan or any part of the
6 plan prepared pursuant to section 29C.8 and any information
7 held by the department of homeland security and emergency
8 management ~~division~~ that was supplied to the ~~division~~
9 department by a public or private agency or organization and
10 used in the development of the critical asset protection plan
11 to include, but not be limited to, surveys, lists, maps, or
12 photographs. However, the ~~administrator~~ director shall make
13 the list of assets available for examination by any person.
14 A person wishing to examine the list of assets shall make
15 a written request to the ~~administrator~~ director on a form
16 approved by the ~~administrator~~ director. The list of assets may
17 be viewed at the ~~division's~~ department's offices during normal
18 working hours. The list of assets shall not be copied in any
19 manner. Communications and asset information not required by
20 law, rule, or procedure that are provided to the ~~administrator~~
21 director by persons outside of government and for which the
22 ~~administrator~~ director has signed a nondisclosure agreement are
23 exempt from public disclosures. The department of homeland
24 security and emergency management ~~division~~ may provide all or
25 part of the critical asset plan to federal, state, or local
26 governmental agencies which have emergency planning or response
27 functions if the ~~administrator~~ director is satisfied that
28 the need to know and intended use are reasonable. An agency
29 receiving critical asset protection plan information from the
30 ~~division~~ department shall not redisseminate the information
31 without prior approval of the ~~administrator~~ director.

32 Sec. 8. Section 23A.2, subsection 10, paragraph m, Code
33 2011, is amended to read as follows:

34 *m.* The repair, calibration, or maintenance of radiological
35 detection equipment by the department of homeland security

1 and emergency management ~~division of the department of public~~
2 ~~defense.~~

3 Sec. 9. Section 29.1, Code 2011, is amended to read as
4 follows:

5 **29.1 Department of public defense.**

6 The department of public defense is composed of the ~~military~~
7 ~~division and the homeland security and emergency management~~
8 ~~division~~ office of the adjutant general and the military forces
9 of the state of Iowa. The adjutant general is the director of
10 the department of public defense and the ~~budget and personnel~~
11 ~~of all of the divisions are subject to the approval of the~~
12 ~~adjutant general shall perform all functions, responsibilities,~~
13 powers, and duties over the military forces of the state of
14 Iowa as provided in the laws of the state. The ~~Iowa emergency~~
15 ~~response commission established by section 30.2 is attached to~~
16 ~~the department of public defense for organizational purposes.~~

17 Sec. 10. Section 29.2A, Code 2011, is amended to read as
18 follows:

19 **29.2A Airport fire fighters — maximum age.**

20 The maximum age for a person to be employed as an airport
21 fire fighter by the ~~military division of the~~ department of
22 public defense is sixty-five years of age.

23 Sec. 11. Section 29A.3A, subsection 4, paragraph a, Code
24 2011, is amended to read as follows:

25 a. Operations and administration of the civil air patrol
26 relating to missions not qualifying for federal mission status
27 shall be funded by the state from moneys appropriated to the
28 department of homeland security and emergency management
29 ~~division of the department of public defense~~ for that purpose.

30 Sec. 12. Section 29A.12, subsection 1, Code 2011, is amended
31 to read as follows:

32 1. The adjutant general shall have command and control of
33 the ~~military division~~ department of public defense, and perform
34 such duties as pertain to the office of the adjutant general
35 under law and regulations, pursuant to the authority vested in

1 the adjutant general by the governor. The adjutant general
2 shall superintend the preparation of all letters and reports
3 required by the United States from the state, and perform all
4 the duties prescribed by law. The adjutant general shall
5 have charge of the state military reservations, and all other
6 property of the state kept or used for military purposes. The
7 adjutant general may accept and expend nonappropriated funds
8 in accordance with law and regulations. The adjutant general
9 shall cause an inventory to be taken at least once each year
10 of all military stores, property, and funds under the adjutant
11 general's jurisdiction. In each year preceding a regular
12 session of the general assembly, the adjutant general shall
13 prepare a detailed report of the transactions of that office,
14 its expenses, and other matters required by the governor for
15 the period since the last preceding report, and the governor
16 may at any time require a similar report.

17 Sec. 13. Section 29A.56, Code 2011, is amended to read as
18 follows:

19 **29A.56 Special police.**

20 The adjutant general may by order entered of record
21 commission one or more of the employees of the ~~military~~
22 ~~division~~ department of public defense as special police. Such
23 special police shall on the premises of any state military
24 reservation or other state military property have and exercise
25 the powers of regular peace officers.

26 Sec. 14. Section 29C.1, subsection 1, Code 2011, is amended
27 to read as follows:

28 1. To establish a department of homeland security
29 and emergency management ~~division of the department of~~
30 ~~public defense~~ and to authorize the establishment of local
31 organizations for emergency management in the political
32 subdivisions of the state.

33 Sec. 15. Section 29C.2, Code Supplement 2011, is amended by
34 adding the following new subsections:

35 NEW SUBSECTION. 1A. "Department" means the department of

1 homeland security and emergency management.

2 NEW SUBSECTION. 1B. "*Director*" means the director of the
3 department of homeland security and emergency management.

4 Sec. 16. Section 29C.5, Code 2011, is amended to read as
5 follows:

6 **29C.5 ~~Homeland~~ Department of homeland security and emergency**
7 **management division.**

8 A The department of homeland security and emergency
9 management division is created ~~within the department of public~~
10 defense. The department of homeland security and emergency
11 management division shall be responsible for the administration
12 of emergency planning matters, including emergency resource
13 planning in this state, cooperation with, support of, funding
14 for, and tasking of the civil air patrol for missions not
15 qualifying for federal mission status as described in section
16 29A.3A in accordance with operational and funding criteria
17 developed with the adjutant general and coordinated with
18 the civil air patrol, homeland security activities, and
19 coordination of available services and resources in the event
20 of a disaster to include those services and resources of the
21 federal government and private entities. The Iowa emergency
22 response commission established by section 30.2 is attached to
23 the department of homeland security and emergency management
24 for organizational purposes.

25 Sec. 17. Section 29C.8, Code Supplement 2011, is amended to
26 read as follows:

27 **29C.8 Powers and duties of ~~administrator~~ director.**

28 1. The department of homeland security and emergency
29 management division shall be under the management of an
30 ~~administrator~~ a director appointed by the governor.

31 2. The ~~administrator~~ director shall be vested with the
32 authority to administer emergency management and homeland
33 security affairs in this state and shall be responsible for
34 preparing and executing the emergency management and homeland
35 security programs of this state subject to the direction of the

1 ~~adjutant general~~ governor.

2 3. The ~~administrator~~ director, upon the direction of
3 the governor and ~~supervisory control of the director of the~~
4 ~~department of public defense~~, shall:

5 a. Prepare a comprehensive emergency plan and emergency
6 management program for homeland security, disaster
7 preparedness, response, recovery, mitigation, emergency
8 operation, and emergency resource management of this state.
9 The plan and program shall be integrated into and coordinated
10 with the homeland security and emergency plans of the federal
11 government and of other states to the fullest possible extent
12 ~~and~~. The director shall also coordinate the preparation of
13 plans and programs for emergency management of the political
14 subdivisions and various state departments of this state.
15 The plans shall be integrated into and coordinated with a
16 comprehensive state homeland security and emergency program for
17 this state as coordinated by the ~~administrator of the homeland~~
18 ~~security and emergency management division~~ director to the
19 fullest possible extent.

20 b. Make such studies and surveys of the industries,
21 resources, and facilities in this state as may be necessary to
22 ascertain the vulnerabilities of critical state infrastructure
23 and assets to attack and the capabilities of the state for
24 disaster recovery, disaster planning and operations, and
25 emergency resource management, and to plan for the most
26 efficient emergency use thereof.

27 c. Provide technical assistance to any commission requiring
28 the assistance in the development of an emergency management
29 or homeland security program.

30 d. Implement planning and training for emergency response
31 teams as mandated by the federal government under the
32 Comprehensive Environmental Response, Compensation, and
33 Liability Act of 1980 as amended by the Superfund Amendments
34 and Reauthorization Act of 1986, 42 U.S.C. § 9601 et seq.

35 e. Prepare a critical asset protection plan that contains

1 an inventory of infrastructure, facilities, systems, other
2 critical assets, and symbolic landmarks; an assessment of the
3 criticality, vulnerability, and level of threat to the assets;
4 and information pertaining to the mobilization, deployment, and
5 tactical operations involved in responding to or protecting the
6 assets.

7 *f.* Approve and support the development and ongoing
8 operations of homeland security and emergency response teams to
9 be deployed as a resource to supplement and enhance disrupted
10 or overburdened local emergency and disaster operations and
11 deployed as available to provide assistance to other states
12 pursuant to the interstate emergency management assistance
13 compact described in section 29C.21. The following shall apply
14 to homeland security and emergency response teams:

15 (1) A member of a homeland security and emergency response
16 team acting under this section upon the directive of the
17 ~~administrator~~ director or pursuant to a governor's disaster
18 proclamation as provided in section 29C.6 shall be considered
19 an employee of the state for purposes of section 29C.21 and
20 chapter 669 and shall be afforded protection as an employee
21 of the state under section 669.21. Disability, workers'
22 compensation, and death benefits for team members working
23 under the authority of the ~~administrator~~ director or pursuant
24 to the provisions of section 29C.6 shall be paid by the
25 state in a manner consistent with the provisions of chapter
26 85, 410, or 411 as appropriate, depending on the status of
27 the member, provided that the member is registered with the
28 ~~homeland security and emergency management division~~ department
29 as a member of an approved team and is participating as a
30 team member in a response or recovery operation initiated
31 by the ~~administrator~~ director or governor pursuant to this
32 section or in a training or exercise activity approved by the
33 ~~administrator~~ director.

34 (2) Each approved homeland security and emergency
35 management response team shall establish standards for team

1 membership, shall provide the division with a listing of all
2 team members, and shall update the list each time a member is
3 removed from or added to the team. Individuals so identified
4 as team members shall be considered to be registered as team
5 members for purposes of subparagraph (1).

6 (3) Upon notification of a compensable loss to a member of
7 a homeland security and emergency management response team, the
8 department of administrative services shall process the claim
9 and seek authorization from the executive council to pay as an
10 expense paid from the appropriations addressed in section 7D.29
11 those costs associated with covered benefits.

12 g. Implement and support the national incident management
13 system as established by the United States department of
14 homeland security to be used by state agencies and local and
15 tribal governments to facilitate efficient and effective
16 assistance to those affected by emergencies and disasters.

17 4. The ~~administrator~~ director, with the approval of the
18 governor ~~and upon recommendation of the adjutant general~~, may
19 employ a deputy ~~administrator~~ director and such technical,
20 clerical, stenographic, and other personnel and make such
21 expenditures within the appropriation or from other funds made
22 available to the department ~~of public defense for purposes of~~
23 ~~emergency management~~, as may be necessary to administer this
24 chapter.

25 5. The ~~homeland security and emergency management division~~
26 department may charge fees for the repair, calibration, or
27 maintenance of radiological detection equipment and may expend
28 funds in addition to funds budgeted for the servicing of the
29 radiological detection equipment. The ~~division~~ department
30 shall adopt rules pursuant to chapter 17A providing for the
31 establishment and collection of fees for radiological detection
32 equipment repair, calibration, or maintenance services and
33 for entering into agreements with other public and private
34 entities to provide the services. Fees collected for repair,
35 calibration, or maintenance services shall be treated as

1 repayment receipts as defined in section 8.2 and shall be used
2 for the operation of the ~~division's~~ department's radiological
3 maintenance facility or radiation incident response training.

4 Sec. 18. Section 29C.8A, subsection 2, Code Supplement
5 2011, is amended to read as follows:

6 2. The emergency response fund shall be administered by the
7 ~~homeland security and emergency management division~~ department
8 to carry out planning and training for the emergency response
9 teams.

10 Sec. 19. Section 29C.9, subsections 1, 5, 7, 8, and 10, Code
11 Supplement 2011, are amended to read as follows:

12 1. The county boards of supervisors, city councils, and
13 the sheriff in each county shall cooperate with the ~~homeland~~
14 ~~security and emergency management division of the department of~~
15 ~~public defense~~ department to establish a commission to carry
16 out the provisions of this chapter.

17 5. The commission shall model its bylaws and conduct its
18 business according to the guidelines provided in the ~~state~~
19 ~~division's~~ department's administrative rules.

20 7. The commission shall delegate to the emergency
21 management coordinator the authority to fulfill the
22 commission duties as described in the ~~division's~~ department's
23 administrative rules. Each commission shall appoint a
24 local emergency management coordinator who shall meet the
25 qualifications specified in the administrative rules by the
26 ~~administrator of the homeland security and emergency management~~
27 ~~division~~ director. Additional emergency management personnel
28 may be appointed at the discretion of the commission.

29 8. The commission shall develop, adopt, and submit
30 for approval by local governments within the commission's
31 jurisdiction, a comprehensive emergency plan which meets
32 standards adopted by the ~~division~~ department in accordance
33 with chapter 17A. If an approved comprehensive emergency
34 plan has not been prepared according to established standards
35 and the ~~administrator of the homeland security and emergency~~

1 ~~management division~~ director finds that satisfactory progress
2 is not being made toward the completion of the plan, or if
3 the ~~administrator~~ director finds that a commission has failed
4 to appoint a qualified emergency management coordinator as
5 provided in this chapter, the ~~administrator~~ director shall
6 notify the governing bodies of the counties and cities affected
7 by the failure and the governing bodies shall not appropriate
8 any moneys to the local emergency management fund until the
9 comprehensive emergency plan is prepared and approved or a
10 qualified emergency management coordinator is appointed.
11 If the ~~administrator~~ director finds that a commission has
12 appointed an unqualified emergency management coordinator,
13 the ~~administrator~~ director shall notify the commission citing
14 the qualifications which are not met and the commission shall
15 not approve the payment of the salary or expenses of the
16 unqualified emergency management coordinator.

17 10. Two or more commissions may, upon review by the
18 ~~state administrator~~ director and with the approval of their
19 respective boards of supervisors and cities, enter into
20 agreements pursuant to chapter 28E for the joint coordination
21 and administration of emergency management services throughout
22 the multicounty area.

23 Sec. 20. Section 29C.11, subsection 1, Code Supplement
24 2011, is amended to read as follows:

25 1. The local emergency management commission shall, in
26 collaboration with other public and private agencies within
27 this state, develop mutual aid arrangements for reciprocal
28 disaster services and recovery aid and assistance in case
29 of disaster too great to be dealt with unassisted. The
30 arrangements shall be consistent with the ~~homeland security and~~
31 ~~emergency management division~~ department plan and program, and
32 in time of emergency each local emergency management agency
33 shall render assistance in accordance with the provisions of
34 the mutual aid arrangements.

35 Sec. 21. Section 29C.12, Code 2011, is amended to read as

1 follows:

2 **29C.12 Use of existing facilities.**

3 In carrying out the provisions of this chapter, the
4 governor, ~~and the director of the department of public defense,~~
5 and the executive officers or governing boards of political
6 subdivisions of the state shall utilize, to the maximum extent
7 practicable, the services, equipment, supplies, and facilities
8 of existing departments, officers, and agencies of the state
9 and of political subdivisions at their respective levels of
10 responsibility.

11 Sec. 22. Section 29C.12A, Code 2011, is amended to read as
12 follows:

13 **29C.12A Participation in funding disaster recovery facility.**

14 All state government departments and agencies may
15 participate in sharing the cost of the design, construction,
16 and operation of a disaster recovery facility located in the
17 STARC joint forces headquarters armory at Camp Dodge. State
18 departments and agencies may use funds from any source,
19 including but not limited to user fees and appropriations
20 for operational or capital purposes, to participate in the
21 facility.

22 Sec. 23. Section 29C.14, Code 2011, is amended to read as
23 follows:

24 **29C.14 Director of the department of administrative services**
25 **to issue warrants.**

26 The director of the department of administrative services
27 shall draw warrants on the treasurer of state for the purposes
28 specified in this chapter, upon duly itemized and verified
29 vouchers that have been approved by the ~~administrator~~ director
30 of the department of homeland security and emergency management
31 ~~division~~.

32 Sec. 24. Section 29C.18, subsection 1, Code 2011, is amended
33 to read as follows:

34 1. Every organization for homeland security and emergency
35 management established pursuant to this chapter and its

1 officers shall execute and enforce the orders or rules made by
2 the governor, or under the governor's authority and the orders
3 or rules made by subordinate organizations and not contrary or
4 inconsistent with the orders or rules of the governor.

5 Sec. 25. Section 29C.20B, Code Supplement 2011, is amended
6 to read as follows:

7 **29C.20B Disaster case management.**

8 1. The department of homeland security and emergency
9 management ~~division~~ shall work with the department of
10 human services and nonprofit, voluntary, and faith-based
11 organizations active in disaster recovery and response in
12 coordination with the department of human services to establish
13 a statewide system of disaster case management to be activated
14 following the governor's proclamation of a disaster emergency
15 or the declaration of a major disaster by the president of
16 the United States for individual assistance purposes. Under
17 the system, the department of homeland security and emergency
18 management ~~division~~ shall coordinate case management services
19 locally through local committees as established in each
20 commission's emergency plan.

21 2. The department of homeland security and emergency
22 management ~~division~~, in conjunction with the department of
23 human services and an Iowa representative to the national
24 voluntary organizations active in disaster, shall adopt rules
25 pursuant to chapter 17A to create coordination mechanisms
26 and standards for the establishment and implementation of
27 a statewide system of disaster case management which shall
28 include at least all of the following:

- 29 a. Disaster case management standards.
- 30 b. Disaster case management policies.
- 31 c. Reporting requirements.
- 32 d. Eligibility criteria.
- 33 e. Coordination mechanisms necessary to carry out the
34 services provided.
- 35 f. Development of formal working relationships with

1 agencies and creation of interagency agreements for those
2 considered to provide disaster case management services.

3 *g.* Coordination of all available services for individuals
4 from multiple agencies.

5 Sec. 26. Section 29C.22, subsection 3, paragraph c, Code
6 Supplement 2011, is amended to read as follows:

7 *c.* The authorized representative of a participating
8 government may initiate a request by contacting the department
9 of homeland security and emergency management ~~division of the~~
10 ~~state department of public defense~~. When a request is received
11 by the ~~division~~ department, the ~~division~~ department shall
12 directly contact other participating governments to coordinate
13 the provision of mutual aid.

14 Sec. 27. Section 29C.22, subsection 11, paragraphs b and c,
15 Code Supplement 2011, are amended to read as follows:

16 *b.* Any participating government may withdraw from this
17 compact by adopting an ordinance or resolution repealing the
18 same, but a withdrawal shall not take effect until thirty days
19 after the governing body of the withdrawing participating
20 government has given notice in writing of the withdrawal to the
21 ~~administrator~~ director of the department of homeland security
22 and emergency management ~~division~~ who shall notify all other
23 participating governments. The action shall not relieve the
24 withdrawing political subdivision from obligations assumed
25 under this compact prior to the effective date of withdrawal.

26 *c.* Duly authenticated copies of this compact and any
27 supplementary agreements as may be entered into shall
28 be deposited, at the time of their approval, with the
29 ~~administrator~~ director of the department of homeland security
30 and emergency management ~~division~~ who shall notify all
31 participating governments and other appropriate agencies of
32 state government.

33 Sec. 28. Section 30.2, subsections 1 and 2, Code Supplement
34 2011, are amended to read as follows:

35 1. The Iowa emergency response commission is established.

1 The commission is responsible directly to the governor. The
2 commission is attached to the department of ~~public defense~~
3 homeland security and emergency management for routine
4 administrative and support services only.

5 2. a. The commission is composed of ~~fifteen~~ sixteen members
6 appointed by the governor. One member shall be appointed to
7 represent the department of homeland security and emergency
8 management, one to represent the department of agriculture and
9 land stewardship, one to represent the department of workforce
10 development, one to represent the department of justice, one to
11 represent the department of natural resources, one to represent
12 the department of public defense, one to represent the Iowa
13 department of public health, one to represent the department
14 of public safety, one to represent the state department of
15 transportation, one to represent the state fire service and
16 emergency response council, one to represent a local emergency
17 planning committee, one to represent the Iowa hazardous
18 materials task force, and one to represent the office of the
19 governor. Three representatives from private industry shall
20 also be appointed by the governor, subject to confirmation by
21 the senate.

22 b. The commission members representing the departments
23 of homeland security and emergency management, workforce
24 development, natural resources, public defense, public safety,
25 and transportation, a local emergency planning committee,
26 and one private industry representative designated by the
27 commission shall be voting members of the commission. The
28 remaining members of the commission shall serve as nonvoting,
29 advisory members.

30 Sec. 29. Section 30.5, subsection 2, Code 2011, is amended
31 to read as follows:

32 2. The commission may enter into agreements pursuant to
33 chapter 28E to accomplish any duty imposed upon the commission
34 by the Emergency Planning and Community Right-to-know Act,
35 but the commission shall not compensate any governmental unit

1 for the performance of duties pursuant to such an agreement.
2 Funding for administering the duties of the commission under
3 sections 30.7, 30.8, and 30.9 shall be included in the budgets
4 of the department of natural resources and the department of
5 ~~public defense~~ homeland security and emergency management.

6 Sec. 30. Section 30.9, Code Supplement 2011, is amended to
7 read as follows:

8 **30.9 Duties to be allocated to department of ~~public defense~~**
9 **homeland security and emergency management.**

10 Agreements negotiated by the commission and the department
11 of ~~public defense~~ homeland security and emergency management
12 shall provide for the allocation of duties to the department
13 of ~~public defense~~ homeland security and emergency management
14 as follows:

15 1. Comprehensive emergency plans required to be developed
16 under section 303 of the Emergency Planning and Community
17 ~~Right-to-Know~~ Right-to-know Act, 42 U.S.C. § 11003, shall
18 be submitted to the department of ~~public defense~~ homeland
19 security and emergency management. Committee submission to
20 that department constitutes compliance with the requirement for
21 reporting to the commission. After initial submission, a plan
22 need not be resubmitted unless revisions are requested by the
23 commission. The department of ~~public defense~~ homeland security
24 and emergency management shall review the plan on behalf of the
25 commission and shall incorporate the provisions of the plan
26 into its responsibilities under chapter 29C.

27 2. The department of ~~public defense~~ homeland security and
28 emergency management shall advise the commission of the failure
29 of any committee to submit an initial comprehensive emergency
30 response and recovery plan or a revised plan requested by the
31 commission.

32 3. The department of ~~public defense~~ homeland security and
33 emergency management shall make available to the public upon
34 request during normal working hours the information in its
35 possession pursuant to section 324 of the Emergency Planning

1 and Community ~~Right-to-Know~~ Right-to-know Act, 42 U.S.C.
2 § 11044.

3 Sec. 31. Section 34A.2, subsection 2, Code 2011, is amended
4 to read as follows:

5 ~~2.~~ 3A. ~~"Administrator"~~ "Director" means the ~~administrator~~
6 director of the department of homeland security and emergency
7 management ~~division of the department of public defense.~~

8 Sec. 32. Section 34A.2A, Code 2011, is amended to read as
9 follows:

10 **34A.2A Program manager — appointment — duties.**

11 1. The ~~administrator~~ director of the department of homeland
12 security and emergency management ~~division of the department~~
13 ~~of public defense~~ shall appoint an E911 program manager to
14 administer this chapter.

15 2. The E911 program manager shall act under the supervisory
16 control of the ~~administrator~~ director of the department of
17 homeland security and emergency management ~~division of the~~
18 ~~department of public defense~~, and in consultation with the
19 E911 communications council, and shall perform the duties
20 specifically set forth in this chapter and as assigned by the
21 ~~administrator~~ director.

22 Sec. 33. Section 34A.6, subsection 3, Code 2011, is amended
23 to read as follows:

24 3. The secretary of state, in consultation with the
25 ~~administrator~~ director, shall adopt rules for the conduct of
26 joint E911 service referendums as required by and consistent
27 with subsections 1 and 2.

28 Sec. 34. Section 34A.7A, subsection 1, paragraph a, Code
29 2011, is amended to read as follows:

30 a. Notwithstanding section 34A.6, the ~~administrator~~ director
31 shall adopt by rule a monthly surcharge of up to sixty-five
32 cents to be imposed on each wireless communications service
33 number provided in this state. The surcharge shall be imposed
34 uniformly on a statewide basis and simultaneously on all
35 wireless communications service numbers as provided by rule of

1 the ~~administrator~~ director.

2 Sec. 35. Section 34A.7A, subsection 2, paragraphs a and h,
3 Code 2011, are amended to read as follows:

4 a. An amount as appropriated by the general assembly to the
5 ~~administrator~~ director shall be allocated to the ~~administrator~~
6 director and program manager for implementation, support, and
7 maintenance of the functions of the ~~administrator~~ director and
8 program manager and to employ the auditor of state to perform
9 an annual audit of the wireless E911 emergency communications
10 fund.

11 h. The ~~administrator~~ director, in consultation with the
12 program manager and the E911 communications council, shall
13 adopt rules pursuant to chapter 17A governing the distribution
14 of the surcharge collected and distributed pursuant to this
15 subsection. The rules shall include provisions that all joint
16 E911 service boards and the department of public safety which
17 answer or service wireless E911 calls are eligible to receive
18 an equitable portion of the receipts.

19 Sec. 36. Section 34A.15, subsection 3, Code Supplement
20 2011, is amended to read as follows:

21 3. The council shall advise and make recommendations to
22 the ~~administrator~~ director and program manager regarding
23 the implementation of this chapter. Such advice and
24 recommendations shall be provided on issues at the request of
25 the ~~administrator~~ director or program manager or as deemed
26 necessary by the council.

27 Sec. 37. Section 35A.5, subsection 16, Code Supplement
28 2011, is amended to read as follows:

29 16. In coordination with the ~~military division of the~~
30 department of public defense, advise service members prior to,
31 and after returning from, deployment on active duty service
32 outside the United States of issues related to the filing
33 of tax returns and the payment of taxes due and encourage a
34 service member who has not filed a return or who owes taxes to
35 contact the department of revenue prior to deployment.

1 Sec. 38. Section 80.28, subsection 2, paragraph a,
2 subparagraph (3), Code 2011, is amended to read as follows:

3 (3) One member representing the department of homeland
4 security and emergency management ~~division~~.

5 Sec. 39. Section 80B.11C, Code 2011, is amended to read as
6 follows:

7 **80B.11C Telecommunicator training standards.**

8 The director of the academy, subject to the approval of
9 the council, in consultation with the Iowa state sheriffs'
10 and deputies' association, the Iowa police executive forum,
11 the Iowa association of chiefs of police and peace officers,
12 the Iowa state police association, the Iowa association
13 of professional fire fighters, the Iowa emergency medical
14 services association, the joint council of Iowa fire service
15 organizations, the Iowa department of public safety, the Iowa
16 chapter of the association of public safety communications
17 officials-international, inc., the Iowa chapter of the
18 national emergency number association, the department of
19 homeland security and emergency management ~~division of the Iowa~~
20 ~~department of public defense~~, and the Iowa department of public
21 health, shall adopt rules pursuant to chapter 17A establishing
22 minimum standards for training of telecommunicators. For
23 purposes of this section, "telecommunicator" means a person who
24 receives requests for, or dispatches requests to, emergency
25 response agencies which include, but are not limited to, law
26 enforcement, fire, rescue, and emergency medical services
27 agencies.

28 Sec. 40. Section 97B.49B, subsection 1, paragraph e,
29 subparagraph (8), Code Supplement 2011, is amended to read as
30 follows:

31 (8) An airport fire fighter employed by the ~~military~~
32 ~~division of the~~ department of public defense.

33 Sec. 41. Section 100B.22, subsection 1, paragraph a, Code
34 2011, is amended to read as follows:

35 a. Regional emergency response training centers shall be

1 established to provide training to fire fighters and other
2 emergency responders. The lead public agency for the training
3 centers shall be the following community colleges for the
4 following merged areas:

5 (1) Northeast Iowa community college for merged area I
6 in partnership with the Dubuque county firemen's association
7 and to provide advanced training in agricultural emergency
8 response as such advanced training is funded by the department
9 of homeland security and emergency management ~~division of the~~
10 ~~department of public defense.~~

11 (2) North Iowa area community college for merged area II in
12 partnership with the Mason City fire department.

13 (3) Iowa lakes community college for merged area III and
14 northwest Iowa community college for merged area IV.

15 (4) Iowa central community college for merged area V and to
16 provide advanced training in homeland security as such advanced
17 training is funded by the department of homeland security and
18 emergency management ~~division of the department of public~~
19 ~~defense.~~

20 (5) Hawkeye community college for merged area VII in
21 partnership with the Waterloo regional hazardous materials
22 training center and to provide advanced training in hazardous
23 materials emergency response as such advanced training is
24 funded by the department of homeland security and emergency
25 management ~~division of the department of public defense.~~

26 (6) Eastern Iowa community college for merged area IX in
27 partnership with the city of Davenport fire department.

28 (7) Kirkwood community college for merged area X in
29 partnership with the city of Coralville fire department and the
30 Iowa City fire department and to provide advanced training in
31 agricultural terrorism response and mass casualty and fatality
32 response as such advanced training is funded by the department
33 of homeland security and emergency management ~~division of the~~
34 ~~department of public defense.~~

35 (8) Des Moines area community college for merged area XI and

1 Iowa valley community college for merged area VI and to provide
2 advanced training in operations integration in compliance
3 with the national incident management system as such advanced
4 training is funded by the department of homeland security and
5 emergency management ~~division of the department of public~~
6 ~~defense~~.

7 (9) Western Iowa technical community college for merged
8 area XII in partnership with the Sioux City fire department
9 and to provide advanced training in emergency responder
10 communications as such advanced training is funded by the
11 department of homeland security and emergency management
12 ~~division of the department of public defense~~.

13 (10) Iowa western community college for merged areas XIII
14 and XIV in partnership with southwestern community college and
15 the Council Bluffs fire department.

16 (11) Southeastern Iowa community college for merged areas
17 XV and XVI in partnership with Indian hills community college
18 and the city of Fort Madison fire department.

19 Sec. 42. Section 135.141, subsection 2, paragraphs a and j,
20 Code 2011, are amended to read as follows:

21 a. Coordinate with the department of homeland security
22 and emergency management ~~division of the department of public~~
23 ~~defense~~ the administration of emergency planning matters
24 which involve the public health, including development,
25 administration, and execution of the public health components
26 of the comprehensive emergency plan and emergency management
27 program pursuant to section 29C.8.

28 j. Adopt rules pursuant to chapter 17A for the
29 administration of this division of this chapter including rules
30 adopted in cooperation with the Iowa pharmacy association
31 and the Iowa hospital association for the development of a
32 surveillance system to monitor supplies of drugs, antidotes,
33 and vaccines to assist in detecting a potential public health
34 disaster. Prior to adoption, the rules shall be approved by
35 the state board of health and the ~~administrator~~ director of

1 the department of homeland security and emergency management
2 ~~division of the department of public defense.~~

3 Sec. 43. Section 135.145, subsections 1 and 2, Code 2011,
4 are amended to read as follows:

5 1. When the department of public safety or other federal,
6 state, or local law enforcement agency learns of a case of a
7 disease or health condition, unusual cluster, or a suspicious
8 event that may be the cause of a public health disaster, the
9 department or agency shall immediately notify the department,
10 the ~~administrator~~ director of the department of homeland
11 security and emergency management ~~division of the department~~
12 ~~of public defense~~, the department of agriculture and land
13 stewardship, and the department of natural resources as
14 appropriate.

15 2. When the department learns of a case of a disease
16 or health condition, an unusual cluster, or a suspicious
17 event that may be the cause of a public health disaster, the
18 department shall immediately notify the department of public
19 safety, the department of homeland security and emergency
20 management ~~division of the department of public defense~~, and
21 other appropriate federal, state, and local agencies and
22 officials.

23 Sec. 44. Section 163.3A, subsection 2, Code Supplement
24 2011, is amended to read as follows:

25 2. The services shall be performed under the direction of
26 the department and may be part of measures authorized by the
27 governor under a declaration or proclamation issued pursuant to
28 chapter 29C. In such case, the department shall cooperate with
29 the Iowa department of public health under chapter 135, and the
30 department of ~~public defense~~, homeland security and emergency
31 management ~~division~~, and local emergency management agencies as
32 provided in chapter 29C.

33 Sec. 45. Section 163.51, subsection 2, paragraph b, Code
34 2011, is amended to read as follows:

35 *b.* If the department confirms an outbreak of foot and

1 mouth disease in this state, the department shall cooperate
2 with the governor; federal agencies, including the United
3 States department of agriculture; and state agencies, including
4 the department of homeland security and emergency management
5 ~~division of the department of public defense~~, in order to
6 provide the public with timely and accurate information
7 regarding the outbreak. The department shall cooperate with
8 organizations representing agricultural producers in order to
9 provide all necessary information to agricultural producers
10 required to control the outbreak.

11 Sec. 46. Section 305.8, subsection 1, paragraph b, Code
12 2011, is amended to read as follows:

13 b. In consultation with the department of homeland security
14 and emergency management ~~division of the department of public~~
15 ~~defense~~, establish policies, standards, and guidelines for
16 the identification, protection, and preservation of records
17 essential for the continuity or reestablishment of governmental
18 functions in the event of an emergency arising from a natural
19 or other disaster.

20 Sec. 47. Section 455B.266, subsection 1, paragraph d, Code
21 2011, is amended to read as follows:

22 d. Determination by the department in conjunction with
23 the department of homeland security and emergency management
24 ~~division of the department of public defense~~ of a local crisis
25 which affects availability of water.

26 Sec. 48. Section 455B.385, Code 2011, is amended to read as
27 follows:

28 **455B.385 State hazardous condition contingency plan.**

29 All public agencies, as defined in chapter 28E, shall
30 cooperate in the development and implementation of a state
31 hazardous condition contingency plan. The plan shall detail
32 the manner in which public agencies shall participate in the
33 response to a hazardous condition. The director may enter
34 into agreements, with approval of the commission, with any
35 state agency or unit of local government or with the federal

1 government, as necessary to develop and implement the plan.
2 The plan shall be coordinated with the department of homeland
3 security and emergency management ~~division of the department~~
4 ~~of public defense~~ and any joint emergency management agencies
5 established pursuant to chapter 29C.

6 Sec. 49. Section 466B.3, subsection 4, paragraph d, Code
7 Supplement 2011, is amended to read as follows:

8 *d.* The ~~administrator~~ director of the department of homeland
9 security and emergency management ~~division of the department of~~
10 ~~public defense~~ or the ~~administrator's~~ director's designee.

11 Sec. 50. REPEAL. Sections 29.2, 29.3, and 29C.7, Code and
12 Code Supplement 2011, are repealed.

13 Sec. 51. TRANSITION PROVISIONS.

14 1. Any rule, regulation, form, order, or directive
15 promulgated by the division of homeland security and
16 emergency management of the department of public defense shall
17 continue in full force and effect until amended, repealed,
18 or supplemented by affirmative action of the department of
19 homeland security and emergency management as established in
20 this Act.

21 2. All employees of the division of homeland security and
22 emergency management of the department of public defense shall
23 be considered employees of the department of homeland security
24 and emergency management upon the elimination of the former and
25 creation of the latter as provided in this Act.

26 EXPLANATION

27 Currently, the department of public defense is composed
28 of the military division and the homeland security and
29 emergency management division. This bill transfers the
30 homeland security and emergency management division of the
31 department of public defense into a new department of homeland
32 security and emergency management. The bill retains within the
33 department of public defense responsibility over the office of
34 the adjutant general and the military forces of the state of
35 Iowa. The bill provides that the governor appoint the director

1 of the new department. Current duties and responsibilities
2 of the homeland security and emergency management division
3 are transferred to the new department of homeland security
4 and emergency management. In addition, the bill transfers
5 the attachment of the Iowa emergency response commission
6 for routine administrative support from the department of
7 public defense to the new department of homeland security and
8 emergency management.

9 The bill also includes transition provisions relative to
10 the establishment of the department of homeland security
11 and emergency management. The bill provides that any rule,
12 regulation, form, order, or directive promulgated by the
13 division of homeland security and emergency management of the
14 department of public defense shall continue unless modified or
15 otherwise changed by the new department. The bill provides
16 that employees of the division of homeland security and
17 emergency management of the department shall be considered
18 employees of the department of homeland security and emergency
19 management.